

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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| In re Terrorist Attacks on September 11, 2001 | 03 MDL 1570 (GBD) (SN)<br>ECF Case |
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This document relates to:

*Ashton et al. v. al Qaeda Islamic Army, et al.*, 02-cv-6977 (GBD)(SN)  
*Bauer et al. v. al Qaeda Islamic Army, et al.*, 02-cv-7236 (GBD)(SN)

**[Proposed] Final Judgment on Behalf of the *Bauer*  
Plaintiffs Against Defendants *Taliban* and *Muhammed Omar***

Upon consideration of the evidence and arguments submitted by plaintiffs in *Ashton v. Al Qaeda Islamic Army et al.*, 02-cv-6977 (S.D.N.Y.)(GBD)(SN), and *Bauer, et al. v. Al Qaeda Islamic Army et al.*, 02-cv-7236 (S.D.N.Y.)(GBD)(SN), on behalf of those *Bauer* Plaintiffs identified in Exhibits A, B, C-1 and C-2 to this Judgment, who are each the estate of a victim killed in the September 11, 2001 terror attacks (Exhibit A)(the “*Bauer* 9/11 Decedents”); immediate family members of the *Bauer* 9/11 Decedents who were also the personal representatives of the estates of the *Bauer* 9/11 Decedents listed by name in the *Ashton* 6<sup>th</sup> Amended Complaint (Exhibit B), which forms the basis of the default judgment against defendants the *Taliban* and *Mohammed Omar* (“*Taliban* and *Omar* Defendants”); or immediate family members of the *Bauer* 9/11 Decedents who were added to the complaints underlying the relevant default judgment through the filing of Notices of Amendment as to the *Taliban* and *Omar* Defendants (Exhibit C-1 listing U.S. nationals and Exhibit C-2 listing non-U.S. nationals), and in light of the Judgment by Default for liability against the *Taliban* and *Omar* Defendants entered May 12, 2006 (ECF 1797), together with the entire record in this case, it is hereby;

**ORDERED** that each estate of the *Bauer* 9/11 Decedents listed in Exhibit A is awarded damages for conscious pain and suffering against the *Taliban* and *Omar* Defendants in the amount of \$2,000,000 per decedent;

**ORDERED** that each estate of the *Bauer* 9/11 Decedents listed in Exhibit A is awarded damages for economic loss against the *Taliban* and *Omar* Defendants in the amounts set forth therein;

**ORDERED** that each immediate family member of the *Bauer* 9/11 Decedents listed in Exhibits B is awarded solatium damages in the amounts set forth therein;

**ORDERED** that each immediate family member of the *Bauer* 9/11 Decedents listed in Exhibits C-1 and C-2 is awarded solatium damages in the amounts set forth therein;

**ORDERED** that each individual listed in Exhibits A, B and C-1 who asserted claims under the Anti-Terrorism Act (18 U.S.C. 2333), is awarded treble damages;

**ORDERED** that the *Bauer* Plaintiffs listed in Exhibits A, B, C-1 and C-2 are entitled to pre-judgment interest on those awards at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages;

**ORDERED** that the *Bauer* Plaintiffs may submit an application for punitive damages, or other damages (to the extent such awards have not previously been ordered), at a later date consistent with any future rulings made by this Court on this issue; and

**ORDERED** that the remaining *Bauer* Plaintiffs not appearing on Exhibits A, B, C-1, or C-2, may submit in later stages applications for damages awards, and to the extent they are for solatium or by estates for compensatory damages for *Bauer* 9/11 Decedents' pain and suffering from the September 11, 2001 attacks, they will be approved consistent with those approved herein for other plaintiffs in this action.

This Order is not binding on the determination of damages for defendants other than the Taliban and Muhammad Omar.

The Clerk of the Court is hereby directed to terminate the motion docketed at MDL ECF No. 8298, 02-cv-6977 (S.D.N.Y.) ECF No. 1701, and 02-7236 (S.D.N.Y.) ECF No. 167.

Dated: New York, New York  
\_\_\_\_\_, 2022

**SO ORDERED:**

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GEORGE B. DANIELS  
United States District Judge